

**THE HARMAN FIRM, PC**

ATTORNEYS & COUNSELORS AT LAW

200 WEST 57<sup>th</sup> STREET, SUITE 900, NEW YORK, NEW YORK 10019

TELEPHONE 212 425 2600 FAX 212 202 3926

WWW.THEHARMANFIRM.COM

April 29, 2013

**VIA ECF**

Hon. A. Kathleen Tomlinson  
United States District Court for the  
Eastern District of New York  
944 Federal Plaza  
Central Islip, New York 11722

**Re:    *Friedmann v. Raymour Furniture et al.*, 12 CV 1307 (LDW)(AKT)**

Dear Judge Wexler:

We represent the Plaintiff in the above-referenced employment discrimination action, which complains of his illegal termination due to his age and disability.

We are writing with regards to and in response to Defendant's letter to the Court, wherein a purported pre-trial order was submitted—nearly four (4) hours in advance of the deadline and without providing Plaintiff's counsel the opportunity to rebut their draft.

As Defendant stated, they may have emailed my paralegal, but did not attempt to telephone Plaintiff's counsel.

Plaintiff respectfully annexes the Joint Pre-Trial Order.

We thank the Court for its time and attention to this matter.

Very truly yours,  
THE HARMAN FIRM, PC

\_\_\_\_\_  
s/  
Peter J. Andrews

cc:    Tara E. Daub, Esq. (via ECF)  
      Jessica Chiclacos, Esq. (via ECF)  
      Walker G. Harman, Jr. (via ECF)

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

LAWRENCE I. FRIEDMANN,

Plaintiff,

- against -

RAYMOUR FURNITURE CO., INC., and  
LUCY GOLDSTEIN, individually,

Defendants.

**JOINT  
PRE-TRIAL  
ORDER**

12 CV 1307  
(LDW)(AKT)

**WEXLER**, District Judge:

The parties having conferred among themselves and pursuant to Rule 4.A. of the Individual Rules of the Honorable Leonard D. Wexler, U.S.D.J., Plaintiff Lawrence I. Friedmann (“Plaintiff” or “Friedmann”) and Defendant Raymour Furniture Company, Inc., d/b/a Raymour & Flanigan Furniture (“Defendant” or “Raymour & Flanigan”),<sup>1</sup> submit the following Joint Pre-trial Order in this matter:<sup>2</sup>

<sup>1</sup> By Order dated October 16, 2012, this Court dismissed all of Plaintiff’s claims under the New York State Human Rights Law, including the claims against the individual defendant. “Defendant Raymour [& Flanigan]’s motion to dismiss is granted . . . to the extent that Plaintiff’s NYSHRL claims are dismissed, but is otherwise denied.” Of Plaintiff’s four (4) original causes of action, two (2) remain against Raymour & Flanigan: (i) age discrimination in violation of the Age Discrimination in Employment Act of 1967, 29 U.S.C. § 623 *et seq.* and (ii) disability discrimination in violation of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12112 *et seq.*

<sup>2</sup> Pursuant to the Individual Rules of Judge Wexler, Rule 4.A. “the parties shall submit, within sixty days from the date for the completion of discovery . . . a joint pretrial order.” Plaintiff, however submits that only the Plaintiff has completed production and that he therefore goes to trial significantly debilitated. In addition, Plaintiff’s Mar. 20, 2013 Objection to Magistrate Tomlinson’s rulings has not been decided and that when it is, Plaintiff would reserve his right to amend his contributions of this Pre-trial Order. *See also, n.3 infra.*

**I. FULL CAPTION**

The full caption of this case appears in the caption to this Joint Pre-trial Order.

**II. TRIAL COUNSEL**

A. Trial Counsel for Plaintiff is as follows:

Walker G. Harman, Jr., Esq.  
Peter J. Andrews, Esq.  
The Harman Firm, PC  
200 West 57th Street, Suite 900  
New York, New York 10019  
(212) 425-2600

B. Trial Counsel for Defendant is as follows:

Tara Eyer Daub, Esq.  
Jessica Chiclacos, Esq.  
Nixon Peabody LLP  
50 Jericho Quadrangle  
Suite 300  
Jericho, New York 11753  
(516) 832-7500 (telephone)  
(516) 832-7555 (facsimile)

**III. STATEMENT PERTAINING TO TRIAL**

- A. Plaintiff's statement: Pursuant to the Court's Individual Practice Rule 4.A.iii., Plaintiff respectfully reiterates that he "demands a trial by jury." Compl. ¶ 10. It is Plaintiff's understanding that he will require approximately two (2) days to try this action. That estimate is not inclusive of the time required to select members of the jury or to cross-examine witnesses called by Defendant.
- B. Defendant's statement: Plaintiff has demanded a jury trial. Defendant estimates that the presentation of its case will take two (2) days.

**IV. LIST OF FACT WITNESSES FOR CASE IN CHIEF**

A. Plaintiff reserves the right and intends to call the following witnesses to testify at trial:<sup>3</sup>

1. Plaintiff Lawrence I. Friedmann (will testify in person)
2. Lucy Goldstein (will be called to testify in person)
3. Iman Kasmi or Khazmi (Assistant Store Manager, will be called to testify in person)
4. Anthony Baines (Assistant Store Manager, will be called to testify in person)
5. Anthony Bender (Regional Sales Manager, will be called to testify in person)
6. James “Jim” Powers (Regional Vice President, will be called to testify in person)
7. Michael Mosca (Sales Associate, will be called to testify in person)
8. Joseph Moscon (Sales Associate, will be called to testify in person)
9. Judith or Judit Rubin (Sales Associate, will be called to testify in person)
10. Danguole Pasyte (Sales Associate, will be called to testify in person)
11. Laura D’Ambrosio (in person)
12. Patricia DelGenio (VP of Defendant’s HR)

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<sup>3</sup> Plaintiff is unable to submit a complete list of witnesses unless or until the Defendant is directed to produce the identities of the people against whom Plaintiff was judged to have inferior sales figures at the time of his termination. *See, e.g.*, Plaintiff’s Feb. 8, 2013 Second Amended Motion to Compel Defendant[] to Produce Discovery (Docket Entry 37), as well as Plaintiff’s Mar. 20, 2013 Objection to Magistrate Judge Tomlinson’s Orders Regarding Discovery (Docket Entry 46), which has yet to be decided and finally, Plaintiff’s Mar. 21, 2013 Letter regarding Defendant’s production during discovery and Defendant’s forthcoming motion for summary judgment (Docket Entry 47).

Plaintiff reserves the right to call any witnesses at trial listed below by Defendant or to not call any of the witnesses identified by Plaintiff. In addition, Plaintiff reserves the right to call at trial witnesses not listed above for impeachment and/or rebuttal purposes.

B. Defendant's witnesses:

1. Anthony Bender (in person)
2. David Covel (in person)

Plaintiff objects to this witness on the grounds that this witness did not appear in Defendants' briefing and there is no indication as to what testimony this new witness may offer and therefore no way for Plaintiff to rebut.

3. Laura D'Ambrosio (in person)
4. Patricia Delgenio (in person)
5. Lucy Goldstein (in person)
6. Connie Midlar (in person)

Plaintiff objects to this witness on the grounds that this witness did not appear in Defendants' briefing and there is no indication as to what testimony this new witness may offer and therefore no way for Plaintiff to rebut.

7. Richard Pietranski (in person)

Plaintiff objects to this witness on the grounds that this witness did not appear in Defendants' briefing and there is no indication as to what testimony this new witness may offer and therefore no way for Plaintiff to rebut.

8. Jim Powers (in person)
9. Christine Rowland (in person)

Plaintiff objects to this witness on the grounds that this witness did not appear Defendants' briefing and there is no indication as to what testimony this new witness may offer and therefore no way for Plaintiff to rebut.

Defendant reserves the right to call any witnesses at trial listed by Plaintiff above or to not call any of the witnesses identified by Defendant. In addition, Defendant reserves the right to call at trial witnesses not listed above for impeachment and/or rebuttal purposes.

**V. LIST OF EXPERT WITNESSES**

1. Plaintiff's expert witness: None
2. Defendant's expert witness: None

Plaintiff reserves the right to amend this list up until the time of trial. Plaintiff is unable to ascertain the information and production to which he will be privy prior to the Court's decision regarding Plaintiff's Mar. 20, 2013 Objection to Magistrate Judge Tomlinson's Orders Regarding Discovery or to Defendant completing production.

**IV. DEPOSITION TESTIMONY**

- A. Plaintiff will offer the following deposition testimony in his case in chief:

<b>Deponent</b>	<b>Page(s)/Line(s)</b>
Lucy Goldstein	13:20–14:7
Lucy Goldstein	14:15–15:19
Lucy Goldstein	61:18–21
Lucy Goldstein	66:5–8
Lucy Goldstein	79:2–5
Lucy Goldstein	92:7–19
Lucy Goldstein	79:15–21
Lucy Goldstein	88:17–89:3
Lucy Goldstein	3:19–21
Patricia DelGenio	13:16–14:16
Patricia DelGenio	54:7–61:16
Patricia DelGenio	61:19–67:5
Patricia DelGenio	78:9–83:25
Patricia DelGenio	84:12–85:25

Defendant reserves the right to use any exhibits at trial listed by Plaintiff above or to not use any of the exhibits identified by Defendants. In addition, Defendant reserves the right to use at trial exhibits not listed above for impeachment and/or rebuttal purposes.

- B. Defendant will offer the following deposition testimony in its case in chief:

<b>Deponent</b>	<b>Page(s)/Line(s)</b>	<b>Objections</b>
Plaintiff	30:8-31:18	Lack of foundation
Plaintiff	33:8-23	
Plaintiff	35:14-17	Lack of foundation
Plaintiff	36:5-37:5	
Plaintiff	37:12-15	Lack of foundation
Plaintiff	44:5-7	
Plaintiff	51:17-55:8	
Plaintiff	57:12-58:6	Irrelevant, misleading
Plaintiff	61:22-62:4	Irrelevant, misleading

Plaintiff	66:9-67:25	Lack of foundation; irrelevant; misleading
Plaintiff	73:4-10	Lack of foundation
Plaintiff	74:3-6	Lack of foundation
Plaintiff	75:12-18	
Plaintiff	85:13-87:11	Irrelevant
Plaintiff	95:14-98:10	
Plaintiff	104:22-105:7	
Plaintiff	110:14-111:4	Lack of foundation
Plaintiff	113:6-11	Lack of foundation
Plaintiff	146:16-147:5	
Plaintiff	148:12-18	
Plaintiff	156:10-17	Lack of foundation
Plaintiff	159:16-160:9	

Defendant reserves the right to use any exhibits at trial listed by Plaintiff above or to not use any of the exhibits identified by Defendants. In addition, Defendant reserves the right to use at trial exhibits not listed above for impeachment and/or rebuttal purposes.

## VI. EXHIBITS

A. The following table lists the exhibits that Plaintiff expects to offer as evidence at trial:<sup>4</sup>

Ex. No.	Description	Party	Defendant's Objections
1	Plaintiff's tax 4eturn, federal, 2006	Plaintiff	Authenticity; Relevance
2	Plaintiff's tax return, state, 2006	Plaintiff	Authenticity; Relevance
3	Plaintiff's tax return, federal, 2007	Plaintiff	Authenticity; Relevance
4	Plaintiff's tax return, state, 2007	Plaintiff	Authenticity; Relevance

<sup>4</sup> Plaintiff is unable to submit a complete list of exhibits for introduction to the jury unless or until the Defendant is directed to produce the outstanding discovery that he has sought with the Court's guidance since December 2012. *See also n.3 supra.*

<b>Ex. No.</b>	<b>Description</b>	<b>Party</b>	<b>Defendant's Objections</b>
<b>5</b>	Plaintiff's tax return, federal, 2008	Plaintiff	Authenticity; Relevance
<b>6</b>	Plaintiff's tax return, state, 2008	Plaintiff	Authenticity; Relevance
<b>7</b>	Plaintiff's tax return, federal, 2009	Plaintiff	Authenticity; Relevance
<b>8</b>	Plaintiff's tax return, state, 2009	Plaintiff	Authenticity; Relevance
<b>9</b>	Plaintiff's tax return, federal, 2010	Plaintiff	Authenticity; Relevance
<b>10</b>	Plaintiff's tax return, state, 2010	Plaintiff	Authenticity; Relevance
<b>11</b>	Plaintiff's tax return, federal, 2011	Plaintiff	Authenticity; Relevance
<b>12</b>	Plaintiff's tax return, state, 2011	Plaintiff	Authenticity; Relevance
<b>13</b>	Plaintiff's tax return, federal, 2012	Plaintiff	Authenticity; Relevance
<b>14</b>	Plaintiff's tax return, state, 2012	Plaintiff	Authenticity; Relevance
<b>15</b>	Plaintiff's Charge of Discrimination submitted to the Equal Employment Opportunity Commission ("EEOC")  Bates stamped FRIEDMANN001-08	Plaintiff	
<b>16</b>	EEOC's Notice of Right to Sue issued Dec. 19, 2011  Bates stamped FRIEDMANN009-10	Plaintiff	
<b>17</b>	Plaintiff's earnings and commissions during 2010-11  Bates stamped FRIEDMANN011-22	Plaintiff	Relevance



<b>Ex. No.</b>	<b>Description</b>	<b>Party</b>	<b>Defendant's Objections</b>
<b>18</b>	Associate Sales Projection and Flash Report Bates stamped FRIEDMANN023–25	Plaintiff	Relevance
<b>19</b>	Associate Business Planner Bates stamped FRIEDMANN026	Plaintiff	Relevance
<b>20</b>	Associate Bedding Budget Bates stamped FRIEDMANN027	Plaintiff	Relevance
<b>21</b>	Plaintiff's Earnings Statement from subsequent employer, La-Z-Boy Bates stamped FRIEDMANN066	Plaintiff	Authenticity
<b>22</b>	Plaintiff's Earnings Statement from subsequent employer, Jos. A Bank Bates stamped FRIEDMANN067	Plaintiff	Authenticity
<b>23</b>	Plaintiff's Unemployment Insurance for 2011 Form 1099-G Bates stamped FRIEDMANN068	Plaintiff	Authenticity
<b>24</b>	Plaintiff's pension Form 1099-R Bates stamped FRIEDMANN070	Plaintiff	Authenticity
<b>25</b>	Plaintiff's health insurance claim documents Bates stamped FRIEDMANN029–54, FRIEDMANN056–62	Plaintiff	Authenticity
<b>26</b>	Plaintiff's Social Security benefits statement Bates stamped FRIEDMANN063–65, FRIEDMANN069	Plaintiff	Authenticity

<b>Ex. No.</b>	<b>Description</b>	<b>Party</b>	<b>Defendant's Objections</b>
<b>27</b>	Defendant's document production during discovery Bates stamped D 000001–D 000448	Plaintiff	Plaintiff purports to designate Defendant's entire document production. Defendant's position is that this designation does not comply with the Court's rules. Defendant reserves all objections. To the extent a statement of objections is required, Defendant's objections may include, but are not limited to, relevance.
<b>28</b>	Letters regarding COBRA, Aug. 24, 2011 Bates stamped D 000001–02	Plaintiff	Relevance
<b>29</b>	Letter regarding benefits at Plaintiff's termination, June 29, 2011 Bates stamped D 000002–09	Plaintiff	Relevance
<b>30</b>	Document regarding life insurance, June 29, 2011 Bates stamped D 000010	Plaintiff	Relevance

<b>Ex. No.</b>	<b>Description</b>	<b>Party</b>	<b>Defendant's Objections</b>
<b>31</b>	Payroll documents for Plaintiff Bates stamped D 000011–13, D 000016	Plaintiff	
<b>32</b>	Notice of Plaintiff's at-will status, Oct. 7, 2009 Bates stamped D 000014–15	Plaintiff	
<b>33</b>	Email to and from payroll department Bates stamped D 000017–19, D 000031	Plaintiff	Relevance
<b>34</b>	Automatic pay plan changes, Oct. 21, 2005 Bates stamped D 000020	Plaintiff	Relevance
<b>35</b>	Plaintiff's application to work for Defendant, Oct. 20, 2005 Bates stamped D 000021–22	Plaintiff	
<b>36</b>	New hire report Bates stamped D 000023–24, D 000449	Plaintiff	Relevance
<b>37</b>	Plaintiff's Form W-4, 2005 Bates stamped D 000025–26	Plaintiff	Relevance
<b>38</b>	Defendant's internal at-hire documentation regarding Plaintiff Bates stamped D 000027–30	Plaintiff	Relevance
<b>39</b>	Plaintiff's direct deposit authorization Bates stamped D 000032–34	Plaintiff	Relevance
<b>40</b>	<i>Horarium</i> for Plaintiff Bates stamped D 000035	Plaintiff	Relevance
<b>41</b>	Performance Evaluation and Development Form for Plaintiff annotated "GREAT MONTH" Bates stamped D 000036	Plaintiff	Relevance

<b>Ex. No.</b>	<b>Description</b>	<b>Party</b>	<b>Defendant's Objections</b>
<b>42</b>	Performance Evaluation and Development Form for Plaintiff dated June 7, 2008, annotated "Works well [sic] of all"  Bates stamped D 000037	Plaintiff	Relevance
<b>43</b>	Performance Evaluation and Development Form for Plaintiff dated Aug. 17, 2008, annotated "has had a bad month—vacations—etc."  Bates stamped D 000038	Plaintiff	Relevance
<b>44</b>	Coaching for Success plan for Plaintiff, purportedly signed by manager only, May 7, 2011  Bates stamped D 000039	Plaintiff	
<b>45</b>	Coaching for Success plan for Plaintiff, signed May 23, 2011  Bates stamped D 000042–44	Plaintiff	
<b>46</b>	Sales performance evaluation, purportedly for Jan. 1–June 3, 2011  Bates stamped D 000045	Plaintiff	
<b>47</b>	Annotated document, Nov. 11, 2008  Bates stamped D 000046	Plaintiff	Relevance
<b>48</b>	Annotated document, Nov. 1, 2008  Bates stamped D 000047	Plaintiff	Relevance
<b>49</b>	Weekly Associates Commission Statement, Dec. 19, 2009–Jun. 24, 2011  Bates stamped D 000048–D 000126	Plaintiff	Relevance
<b>50</b>	EEOC letter to Defendant, Dec. 12, 2011  Bates stamped D 000127–28	Plaintiff	

<b>Ex. No.</b>	<b>Description</b>	<b>Party</b>	<b>Defendant's Objections</b>
<b>51</b>	EEOC Charge of Discrimination produced by Defendant, signed Oct. 21, 2011  Bates stamped D 000129–31	Plaintiff	
<b>52</b>	EEOC Notice of Right to Sue produced by Defendant, mailed Dec. 19, 2011  Bates stamped D 000132–33	Plaintiff	
<b>53</b>	Defendant's production entitled "Professional Conduct & Anti-Harassment Awareness Raymour & Flanigan Furniture"  Bates stamped D 000134–57	Plaintiff	
<b>54</b>	Defendant's production entitled "Professional Conduct & Harassment Awareness Training for Associates"  Bates stamped D 000158–73	Plaintiff	
<b>55</b>	Defendant's No Discrimination and No Harassment Policy signed Mar. 7, 2010  Bates stamped D 000175	Plaintiff	
<b>56</b>	Receipt and Acknowledgement of Professional Conduct & Harassment Awareness Training at Raymour & Flanigan Furniture signed by Plaintiff Mar. 7, 2010  Bates stamped D 000176	Plaintiff	
<b>57</b>	Receipt and Acknowledgement of Professional Conduct & Harassment Awareness Training at Raymour & Flanigan Furniture signed by Lucy Goldstein, Nov. 1, 2006  Bates stamped D 000177	Plaintiff	
<b>58</b>	Receipt and Acknowledgement of Professional Conduct & Harassment Awareness Training at Raymour & Flanigan Furniture signed by Laura Lee D'Ambrosio, July 30, 2007  Bates stamped D 000178	Plaintiff	

<b>Ex. No.</b>	<b>Description</b>	<b>Party</b>	<b>Defendant's Objections</b>
<b>59</b>	Raymour & Flanigan Furniture Associate Handbooks Bates stamped D 000179–408	Plaintiff	
<b>60</b>	Email from Laura D'Ambrosio regarding Plaintiff, June 21, 2011 Bates stamped D 000409	Plaintiff	
<b>61</b>	Lucy Goldstein's "Receipt and Acknowledgment of Raymour & Flanigan Associate Handbook and Acknowledgement of At-Will Employment Status" and Addendum signed Nov. 4, 2009 Bates stamped D 000410–11	Plaintiff	
<b>62</b>	Lucy Goldstein's "Receipt and Acknowledgement of Professional Conduct & Harassment Awareness Training at Raymour & Flanigan Furniture" signed Oct. 1, 2007 Bates stamped D 000412	Plaintiff	
<b>63</b>	Lucy Goldstein's "Receipt and Acknowledgement of Professional Conduct & Harassment Awareness Training at Raymour & Flanigan Furniture" signed Nov. 1, 2006 Bates stamped D 000413	Plaintiff	
<b>64</b>	IRS Form W-4 for Lucy Goldstein, signed Mar. 18, 2006 Bates stamped D 000414–15	Plaintiff	Relevance
<b>65</b>	Email from HR to Lucy Goldstein, Sept. 19, 2005 Bates stamped D 000416	Plaintiff	Relevance
<b>66</b>	New Hire information for Lucy Goldstein, Nov. 10, 2004 Bates stamped D 000417, D 000447	Plaintiff	Relevance
<b>67</b>	Lucy Goldstein's application for employment, signed Sept. 23, 2004 Bates stamped D 000418–19	Plaintiff	Relevance

<b>Ex. No.</b>	<b>Description</b>	<b>Party</b>	<b>Defendant's Objections</b>
<b>68</b>	IRS Form W-4 for Lucy Goldstein, signed Nov. 10, 2004 Bates stamped D 000420	Plaintiff	Relevance
<b>69</b>	Lucy Goldstein's Withholding Allowance Certificate Bates stamped D 000421-22	Plaintiff	Relevance
<b>70</b>	Lucy Goldstein's Information Technology Access Request Forms signed Nov. 10, 2004 Bates stamped D 000423	Plaintiff	Relevance
<b>71</b>	Lucy Goldstein's Raymour & Flanigan Furniture 1099 Stats Bates stamped D 000424	Plaintiff	Relevance
<b>72</b>	Lucy Goldstein's Direct Deposit Authorization, Nov. 10, 2004 Bates stamped D 000425	Plaintiff	Relevance
<b>73</b>	Lucy Goldstein Sales Agreement Form, Nov. 10, 2004 Bates stamped D 000426-27	Plaintiff	Relevance
<b>74</b>	Email from Heather Lukowski to Rebecca Landon regarding Lucy Goldstein, Aug. 23, 2011 Bates stamped D 000428	Plaintiff	Relevance
<b>75</b>	Lucy Goldstein record of medical leave, Aug. 2011 Bates stamped D 000429	Plaintiff	Relevance
<b>76</b>	Emails regarding Lucy Goldstein between Patricia DelGenio, Erin Brundige, Jenna Casullo, Christine Crosby, and Lucy Goldstein, Aug. 9, 2011 Bates stamped D 000430	Plaintiff	Relevance
<b>77</b>	Email from Heather Lukowski to Rebecca Landon regarding Lucy Goldstein, Aug. 8, 2011 Bates stamped D 000431	Plaintiff	Relevance

<b>Ex. No.</b>	<b>Description</b>	<b>Party</b>	<b>Defendant's Objections</b>
<b>78</b>	Email regarding Lucy Goldstein from Aubrey Branagan to Rebecca Landon, Feb. 7, 2011  Bates stamped D 000432	Plaintiff	Relevance
<b>79</b>	Lucy Goldstein "2011 Sales Pay Plan Changes" purportedly effective Jan. 1, 2011 (redacted by Defendant)  Bates stamped D 000433	Plaintiff	Relevance
<b>80</b>	Emails between Lucy Goldstein and Rebecca Landon regarding Lucy Goldstein's Aug. 1, 2010 punch-out time, Aug. 9, 2010  Bates stamped D 000434	Plaintiff	Relevance
<b>81</b>	Record of pay plan increase for Lucy Goldstein, purportedly effective Jan. 2, 2010  Bates stamped D 000435	Plaintiff	Relevance
<b>82</b>	Email from Holly Heinze-Coolican to Christine Crosby regarding <i>inter alia</i> Lucy Goldstein's hours, July 21, 2009  Bates stamped D 000436	Plaintiff	Relevance
<b>83</b>	Payroll documents for Lucy Goldstein, Oct. 2008  Bates stamped D 000437	Plaintiff	Relevance
<b>84</b>	Payroll documents for Lucy Goldstein, Apr. 2007  Bates stamped D 000438	Plaintiff	Relevance
<b>85</b>	Payroll documents for Lucy Goldstein, Oct. 2006  Bates stamped D 000439, D 000441	Plaintiff	Relevance
<b>86</b>	Lucy Goldstein Automatic Pay Plan Changes, Sept. 23, 2006  Bates stamped D 000440	Plaintiff	Relevance



<b>Ex. No.</b>	<b>Description</b>	<b>Party</b>	<b>Defendant's Objections</b>
<b>87</b>	Emails between Payroll Department and Michael Goldberg and Laurie Hammon regarding Lucy Goldstein, Mar.–Apr. 2005  Bates stamped D 000442–44	Plaintiff	Relevance
<b>88</b>	Photocopy of Lucy Goldstein's New York State Driver License  Bates stamped D 000445	Plaintiff	Relevance
<b>89</b>	Photocopies of a blank check of Lucy Goldstein's <sup>5</sup>  Bates stamped D 000446, D 000448	Plaintiff	Relevance
<b>90</b>	Memorandum and Order deciding Defendant's Motion to Dismiss, Oct. 16, 2012  Docket Entry 24	Plaintiff	

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<sup>5</sup> Named therein as "LUCY M. GOLDSTEIN."

<b>Ex. No.</b>	<b>Description</b>	<b>Party</b>	<b>Defendant's Objections</b>
<b>91</b>	Transcript of the Deposition of Patricia DelGenio, Raymour & Flanigan's witness pursuant to FED. R. CIV. P. 30(b)(6), Feb. 13, 2013	Plaintiff	Plaintiff purports to designate the entire transcript as a trial exhibit. Defendant objects and states its position that this designation does not comply with the Court's rules. Defendant reserves all objections. To the extent a statement of objections is required, Defendant's objections may include, but are not limited to, hearsay and relevance.

<b>Ex. No.</b>	<b>Description</b>	<b>Party</b>	<b>Defendant's Objections</b>
<b>92</b>	Transcript of the Deposition of Lucy Goldstein, Feb. 22, 2013	Plaintiff	Plaintiff purports to designate the entire transcript as a trial exhibit. Defendant's position is that this designation does not comply with the Court's rules. Defendant reserves all objections. To the extent a statement of objections is required, Defendant's objections may include, but are not limited to, hearsay and relevance.

<b>Ex. No.</b>	<b>Description</b>	<b>Party</b>	<b>Defendant's Objections</b>
<b>93</b>	Transcript of Plaintiff's Deposition, Jan. 4, 2013	Plaintiff	Plaintiff purports to designate the entire transcript as a trial exhibit. Defendant objects and states its position that this designation does not comply with the Court's rules. Defendant reserves all objections. To the extent a statement of objections is required, Defendant's objections may include, but are not limited to, hearsay and relevance.
<b>94</b>	Defendant's Answer with Affirmative Defenses, Nov. 14, 2012 Docket Entry 26	Plaintiff	
<b>95</b>	Plaintiff's Objection to Magistrate Judge Tomlinson's Orders Regarding Discovery, Mar. 20, 2013 Docket Entry 46	Plaintiff	Relevance

<b>Ex. No.</b>	<b>Description</b>	<b>Party</b>	<b>Defendant's Objections</b>
<b>96</b>	Notice of Filing of Official Transcript  ( <i>Exhibit A</i> to Plaintiff's Objection to Magistrate Judge Tomlinson's Orders Regarding Discovery, Mar. 20, 2013)  Docket Entry 46-1	Plaintiff	Relevance
<b>97</b>	Transcript of Status Conference before Magistrate Judge Tomlinson, Feb. 26, 2013  ( <i>Exhibit B</i> to Plaintiff's Objection to Magistrate Judge Tomlinson's Orders Regarding Discovery, Mar. 20, 2013)  Docket Entry 46-2	Plaintiff	Relevance
<b>98</b>	Excerpt from Transcript of the Deposition of Lucy Goldstein, Feb. 22, 2013 regarding the spurious and recent nature of Defendant's representation of Ms. Goldstein  ( <i>Exhibit C</i> to Plaintiff's Objection to Magistrate Judge Tomlinson's Orders Regarding Discovery, Mar. 20, 2013)  Docket Entry 46-3	Plaintiff	Relevance
<b>99</b>	Letter to the Court outlining the discovery of which it had only just become aware, initially filed Feb. 25, 2013  ( <i>Exhibit D</i> to Plaintiff's Objection to Magistrate Judge Tomlinson's Orders Regarding Discovery, Mar. 20, 2013)  Docket Entries 41 and 46-4	Plaintiff	Relevance
<b>100</b>	Notice of the Deposition of Defendant's representative pursuant to FED. R. CIV. P. 30(b)(6) and its own <i>Exhibit A</i> .  ( <i>Exhibit E</i> to Plaintiff's Objection to Magistrate Judge Tomlinson's Orders Regarding Discovery, Mar. 20, 2013)  Docket Entry 46-5	Plaintiff	Relevance

<b>Ex. No.</b>	<b>Description</b>	<b>Party</b>	<b>Defendant's Objections</b>
<b>101</b>	Plaintiff's Second Amended Motion to Compel Defendant to Produce Discovery, initially filed Feb. 8, 2013  ( <i>Exhibit F</i> to Plaintiff's Objection to Magistrate Judge Tomlinson's Orders Regarding Discovery, Mar. 20, 2013)  Docket Entry 46-6	Plaintiff	Relevance

Plaintiff reserves the right to use any exhibits at trial listed above by Defendant or to not use any of the exhibits identified by Plaintiff. In addition, Plaintiff reserves the right to use at trial exhibits not listed above for impeachment and/or rebuttal purposes.

A. Defendant's Exhibits for its Case-In-Chief:

<b>Exhibit</b>	<b>Description</b>	<b>Bates Number(s)</b>	<b>Plaintiff's Objection</b>
A	Payroll Connection Form regarding Plaintiff's termination	D 000011	
B	Plaintiff's Receipt and Acknowledgment of Raymour & Flanigan Associate Handbook and Acknowledgment of At-Will Employment Status	D 000014	
C	Plaintiff's Receipt and Acknowledgment of Addendum to the Associate Handbook	D 000015	
D	Payroll Connection Form regarding Plaintiff's transfer to Garden City showroom	D 000016	
E	Plaintiff's Employment Application	D 000021 - 000022	
F	Plaintiff's Sales Agreement Form	D 000029 - 000030	
G	Undated Performance Evaluation for Plaintiff	D 000036	
H	June 7, 2008 Performance Evaluation for Plaintiff	D 000037	
I	August 17, 2008 Performance Evaluation for Plaintiff	D 000038	

J	May 7, 2011 Coaching for Success Plan for Plaintiff	D 000039- 000040	
K	May 23, 2011 Coaching for Success Plan for Plaintiff	D 000041- 000042	
L	June 13, 2011 Action Plan & Performance Agreement for Plaintiff	D 000043- 000044	
M	Performance Evaluation and Development Form for 2011 for Plaintiff	D 000045	
N	Plaintiff's 2010 Commission Statements	D 000049- 000101	
O	Plaintiff's 2011 Commission Statements	D 000102- 000126	
P	Professional Conduct & Anti-Harassment Awareness Presentation	D 000134- 000157	
Q	Professional Conduct & Harassment Awareness Training for Associates Presentation	D 000158- 000175	
R	Plaintiff's March 7, 2010 Receipt of No Discrimination and No Harassment Policy	D 000175- 000176	
S	Lucy Goldstein's November 1, 2006 Receipt and Acknowledgement of Harassment Training	D 000177	
T	Laura D'Ambrosio's January 30, 2007 Receipt and Acknowledgment of Harassment Training	D 000178	
U	Laura D'Ambrosio's June 21, 2011 E-mail regarding Plaintiff	D 000409	
V	Raymour & Flanigan's March 2010 Associate Handbook	D 000179 - 000254	
W	Raymour & Flanigan's February 2, 2011 Associate Handbook	D 000355 – 000331	
X	Raymour & Flanigan's May 25, 2011 Associate Handbook	D 000332 - 000408	

Defendant reserves the right to use any exhibits at trial listed by Plaintiff above or to not use any of the exhibits identified by Defendants. In addition, Defendant reserves the right to use at trial exhibits not listed above for impeachment and/or rebuttal purposes.

Dated: April 29, 2013

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s/  
Walker G. Harman, Jr. [WH-8044]  
Peter J. Andrews [PA-3295]  
THE HARMAN FIRM, PC  
*Attorneys for Plaintiff*  
200 West 57th Street, Suite 900  
New York, New York 10019  
(212) 425-2600  
wharman@theharmanfirm.com  
pandrews@theharmanfirm.com

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Tara Eyer Daub, Esq. [TE-7943]  
Jessica Chiclacos, Esq. [JG-2534]  
NIXON PEABODY LLP  
*Attorneys for Defendant Raymour & Flanigan*  
50 Jericho Quadrangle, Suite 300  
Jericho, New York 11753  
(516) 832-7500  
tdaub@nixonpeabody.com  
jchiclacos@nixonpeabody.com

**SO ORDERED:**

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Hon. Leonard D. Wexler  
United States District Judge